SINGLE BENCH

4

1

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

WRIT PETITION(S) NO. 829 OF 2007

PETITIONER Duijram S/o Guljar, aged about 60 years, R/o Village Singhari, Post Ranigaon, District **BILASPUR** C.G.

P.F. No. 10/4/07 Presented by Dashrath Jat 6/12/07

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through Secretary, Department of Public Work Department, D.K.S. Bhawan Raipur

2. Sub Divisional Officer, Public Work Department, Division -3 Koni Bilaspur

RECEIVED COPY 6/12/07 CLERK OF A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE LIKE NATURE ETC.

(30)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 829 of 2007

Petitioner Duijram

Versus

Respondents State of Chhattisgarh & another

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Smt. Rashmi Thakur, Advocate for the petitioner.

Shri Satish Gupta, Deputy Government Advocate for the respondents.

ORDER

(Passed on this 12th day of February, 2007)

1. By this petition, the petitioner, who has worked for more than 15 years as Gangman seeks a relief that the petitioner, being permanent gangman, be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.') 56.

2. The indisputable facts are that the petitioner was appointed as gangman in the year 1967. According to learned counsel for the petitioner, he attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the Constitution of India. After having attained the status of the permanent employee, the petitioner would retire on attaining the age of 62 years on superannuation under the provisions of the Act, 1967.

3. The petitioner was made to retire on attaining the age of 60 years by the order dated 19.12.2006 (P/1) w.e.f. 31.3.2007.

(32)

4. Smt. Rashmi Thakur, learned counsel appearing for the petitioner would submit that the case of the petitioner is squarely covered by the decision of this Court passed on 4th January, 2007 in W.P. No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters, wherein this Court held that the permanent gangman are entitled to retire on attaining the age of 62 years.

5. Learned counsel appearing for both the parties jointly submit that the issue involved hereinabove and the facts are identical to that of in W.P. No. 108/2005 (supra).

6. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu